

LRCiv 3.5

WRITS OF HABEAS CORPUS AND MOTIONS PURSUANT TO 28 U.S.C. § 2255

(a) **Filing Requirements.** ~~A P~~petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2254 ~~and-or~~ 28 U.S.C. § 2241, ~~or a~~ motions to vacate sentence pursuant to 28 U.S.C. § 2255, and any accompanying applications to proceed *in forma pauperis* must be signed and legibly written or typewritten on forms approved by the Court and in accordance with the instructions provided with the forms, unless the ~~judge Court to whom the case is assigned~~ finds that the petition or motion is understandable and that it conforms with federal and local requirements for such actions. Copies of the forms and instructions will be provided by the Clerk upon request. If not filed electronically, ~~T~~the original and two (2) copies of the petition or motion must be sent or delivered to the Clerk. The ~~judge Court~~ may strike or dismiss petitions, motions or applications which do not conform substantively or procedurally with federal and local requirements for such actions.

(b) Page Limitation in Capital Cases. If the petitioner is under a sentence of death, a petition for writ of habeas corpus under 28 U.S.C. § 2254, motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, or any response thereto may not exceed 200 pages, exclusive of attachments. A reply in support of a petition or motion may not exceed 100 pages, exclusive of attachments. The Court may grant leave to exceed the page limitation set forth in this paragraph if the party demonstrates good cause for doing so. A motion to exceed the page limitation must be filed on or before the filing deadline and the proposed filing must be lodged as an attachment to the motion. If the Court grants leave for the petition to exceed the page limitation, the length of the response to the petition will be increased by the same amount. If the Court denies leave to exceed the page limitation, the filer must submit a revised filing that complies with the page limitation within 14 days, unless otherwise ordered by the Court.

~~(bc)~~ **In Forma Pauperis Certification.** If a habeas corpus petitioner desires to prosecute the petition *in forma pauperis*, the petitioner must file an application to proceed *in forma pauperis* ~~on a form approved by the Court,~~ accompanied by a certification of the warden or other appropriate officer of the institution in which the petitioner is confined as

to the amount of money or securities on deposit to the petitioner's credit. If the petitioner has ~~in excess of~~more than twenty-five dollars (\$25) on deposit, leave to proceed *in forma pauperis* will be denied and the petitioner must pay the filing fee.